

111TH CONGRESS  
2D SESSION

# H. R. 4572

To amend the Clean Air Act relating to greenhouse gases, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2010

Mr. SKELTON (for himself, Mr. PETERSON, and Mrs. EMERSON) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Clean Air Act relating to greenhouse gases, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. GREENHOUSE GAS REGULATION UNDER CLEAN**  
4 **AIR ACT.**

5 Section 302(g) of the Clean Air Act (42 U.S.C.  
6 7602(g)) is amended by adding the following at the end  
7 thereof: “The term ‘air pollutant’ shall not include any  
8 of the following solely on the basis of its effect on global  
9 climate change:

10 “(1) Carbon dioxide.

- 1           “(2) Methane.  
2           “(3) Nitrous oxide.  
3           “(4) Hydrofluorocarbons.  
4           “(5) Perfluorocarbons.  
5           “(6) Sulfur hexafluoride.”.

6 **SEC. 2. RENEWABLE FUEL STANDARD.**

7           (a) **EXCLUSION OF ACTIVITIES RELATING TO INTER-**  
8 **NATIONAL INDIRECT LAND USE CHANGE.**—The Adminis-  
9 trator of the Environmental Protection Agency shall not  
10 carry out any activities relating to the inclusion of inter-  
11 national indirect land use change in the implementation  
12 of the renewable fuel program established under section  
13 211(o) of the Clean Air Act (42 U.S.C. 7545(o)).

14           (b) **EXCLUSION OF INDIRECT EMISSIONS FROM**  
15 **INTERNATIONAL LAND USE CHANGES IN CALCULATION**  
16 **OF LIFECYCLE GREENHOUSE GAS EMISSIONS.**—Para-  
17 graph (1)(H) of section 211(o) of the Clean Air Act (42  
18 U.S.C. 7545(o)(1)(H)) is amended—

19           (1) by striking “(including direct emissions and  
20 significant indirect emissions such as significant  
21 emissions from land use changes)” and inserting  
22 “(excluding indirect emissions from international  
23 land use changes)”; and

1           (2) by striking “the Administrator” and insert-  
2           ing “the Administrator and the Secretary of Agri-  
3           culture”.

4           (c) RENEWABLE BIOMASS.—Paragraph (1)(I) of sec-  
5           tion 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(1)(I))  
6           is amended to read as follows:

7                   “(I) RENEWABLE BIOMASS.—The term ‘re-  
8                   newable biomass’ means—

9                           “(i) materials, pre-commercial  
10                           thinnings, or invasive species from Na-  
11                           tional Forest System land and public lands  
12                           (as defined in section 103 of the Federal  
13                           Land Policy and Management Act of 1976  
14                           (43 U.S.C. 1702)) that—

15                                   “(I) are byproducts of preventive  
16                                   treatments that are removed—

17   “(aa) to reduce hazardous  
18   fuels;

19   “(bb) to reduce or contain  
20   disease or insect infestation; or

21   “(cc) to restore ecosystem  
22   health;

23   “(II) would not otherwise be used  
24   for higher-value products; and

1 “(III) are harvested in accord-  
2 ance with—

3 “(aa) applicable law and  
4 land management plans; and

5 “(bb) the requirements  
6 for—

7 “(AA) old-growth main-  
8 tenance, restoration, and  
9 management direction of  
10 paragraphs (2), (3), and (4)  
11 of subsection (e) of section  
12 102 of the Healthy Forests  
13 Restoration Act of 2003 (16  
14 U.S.C. 6512); and

15 “(BB) large-tree reten-  
16 tion of subsection (f) of that  
17 section; or

18 “(ii) any organic matter that is avail-  
19 able on a renewable or recurring basis  
20 from non-Federal land or land belonging to  
21 an Indian or Indian tribe that is held in  
22 trust by the United States or subject to a  
23 restriction against alienation imposed by  
24 the United States, including—

1 “(I) renewable plant material, in-  
2 cluding—  
3 “(aa) feed grains;  
4 “(bb) other agricultural  
5 commodities;  
6 “(cc) other plants and trees;  
7 and  
8 “(dd) algae; and  
9 “(II) waste material, including—  
10 “(aa) crop residue;  
11 “(bb) other vegetative waste  
12 material (including wood waste  
13 and wood residues);  
14 “(cc) animal waste and by  
15 products (including fats, oils,  
16 greases, and manure); and  
17 “(dd) food waste and yard  
18 waste.”.

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